

**REMARKS**

The Official Action of July 22, 2008 and the prior art relied upon therein have been carefully reviewed. The claims in the application are now only claims 18-20, and these claims define patentable subject matter for the reasons pointed out below. Favorable reconsideration and allowance are respectfully urged.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is respectfully noted.

The non-elected and withdrawn claims have now been deleted without prejudice to applicants' rights to prosecute such claims in a divisional application without any penalty whatsoever, if applicants choose to do so, applicants in such a case are relying on Sections 121, 120 and 119.

There are a number of rejections of claims which now have been canceled in the Amendment presented above. Accordingly, the applicants need not address these particular rejections at the present time. However, applicants respectfully reserve the right to pursue the now canceled claims or similar claims in a continuing application, if

applicants choose to do so, applicants in such a case relying on Sections 120 and 119.

Claims 17, 18 and 20 have been rejected as obvious under Section 103 from Hirofumi et al USP 5,576,116 (Hirofumi) in view of Du Rose USP 3,355,267. This rejection is respectfully traversed.

First, claim 17 has been deleted and claims 18 and 20 have been redrafted in independent form, consistent with the original presentation of claims 18 and 20.

The embodiments of the present invention which are presently claimed, including those of claims 18 and 20, call for a nickel-cobalt-phosphorus alloy diffusion layer as an upper layer on the inner side of the battery case. The nickel-cobalt-phosphorus alloy layer has a tendency to suffer cracking when the steel sheet, upon which such coating is applied, is then shaped into a battery case. However these small cracks which appear on the layer on the inner side of the battery case are advantageous, in that they improve the contact area with electrolysis solutions, active substances etc., thus providing a layer which seemingly has the disadvantage of cracking which actually turns out to be an unobvious improvement.

Even assuming *ad arguendo* that Hirofumi discloses everything as stated in the rejection, the subject matter of

claims 18 and 20 would still not have been obvious to the person of ordinary skill in the art at the time the present invention was made, because (1) Du Rose, the secondary reference, does not disclose a nickel-cobalt-phosphorus layer as an upper layer, and therefore does not teach the person skilled in the art to put such layer in a position where it will so modify Hirofumi so as to reach the claimed subject matter, and (2) because, as pointed out above, it could not have been predicted or foreseen that a seeming disadvantage (small cracks), would turn out to be an advantage, and therefore there would have been no reason to do what applicants have done as called for in claims 17 and 20.

Withdrawal of the rejection is in order and is respectfully requested.

Claim 19 has been rejected as obvious under Section 103 from Hirofumi in view of Du Rose and further in view of Ohmura et al, USP 6,993,994 (Ohmura). This rejection is respectfully traversed.

Applicants have pointed out above that the proposed combination of Hirofumi in view of Du Rose would not reach claims 18 and 20, even if the combination were obvious, and also there would have been no reason for combining the references as proposed. These same points apply to the

rejection of claim 19, and such points are therefore respectfully repeated by reference.

Ohmura has not been cited to make up for the deficiencies of Hirofumi in view of Du Rose and does not do so. Therefore, even if it were obvious to modify Hirofumi in view of Ohmura, the claimed subject matter would not be met.

Claim 19 calls for a nickel layer between a nickel-cobalt-phosphorus layer and iron-nickel diffusion layer. As mentioned above, the nickel-cobalt-phosphorus alloy layer easily cracks and provides the unobvious advantages mentioned above. The intermediate nickel layer prevents electrolysis solutions from eroding the iron-nickel diffusion layer. A combination of the advantageous features of claim 19 is not disclosed nor made obvious by the applied references, either individually or in any possible combination.

Withdrawal of the rejection is in order and is respectfully requested.

The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicants' claims.

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that

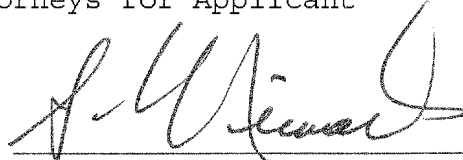
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should lead to patentability of the present application.  
Favorable consideration and early formal allowance are  
respectfully requested.

Respectfully submitted,

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By

A handwritten signature in dark ink, appearing to read "S. Neimark", written over a horizontal line.

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